

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

RYDEX, LTD.

Plaintiff,

v.

GENERAL MOTORS LLC,
ET AL.

Defendants.

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CAUSE NO.: 4:11-cv-0122

JURY TRIAL DEMANDED

NOTICE OF DISMISSAL WITH PREJUDICE

Plaintiff Rydex, Ltd., pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i), hereby dismisses all claims against Defendant General Motors LLC in this action WITH PREJUDICE, subject to the terms of that certain agreement entitled “**LICENSE AND SETTLEMENT AGREEMENT**” and dated April 20, 2011, with each party to bear its own costs, expenses and attorneys fees. General Motors LLC has not served an answer.

DATED: April 28, 2011

Respectfully submitted,

/s/ Stephen F. Schlather
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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on April 28, 2011. Any other counsel of record will be served by first class U.S. mail.

/s/ Stephen F. Schlather
Stephen F. Schlather